

**HEALTH & HUMAN SERVICES COMMITTEE**  
**of the**  
**Suffolk County Legislature**

**Minutes**

A regular meeting of the Health & Human Services Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, New York, on **August 5, 2004**.

**Members Present:**

Legislator Paul Tonna • Chairman  
Legislator Lynne Nowick • Vice Chair  
Legislator Brian Foley  
Legislator Daniel Losquadro  
Legislator Ricardo Montano  
Legislator Jay Schneiderman  
Legislator Vivian Vilorio • Fisher  
Legislator Elie Mystal

**Also in Attendance:**

Mea Knapp • Counsel to the Legislature  
Ilona Julius • Deputy Clerk/Suffolk County Legislature  
Ron Cohen • Aide to Legislator Tonna  
Jim Spero • Director/Budget Review Office  
Linda Bay • Aide to Presiding Officer Caracappa  
Adam Santiago • County Executive Assistant  
Marc Ardito • Intern/County Executive's Office  
Ed Hogan • Aide to Legislator Nowick  
Kevin LaValle • Aide to Legislator Losquadro.  
Greg Trunz • Aide to Legislator Crecca  
Jim Spero • Director/Budget Review Office.  
John Ortiz • Senior Budget Analyst/Budget Review Office  
Janet DeMarzo • Commissioner/Department of Social Services

Ed Hernandez • Deputy Commissioner/Department of Social Services  
Linda O'Donohoe • Assistant to the Commissioner/Dept of Social Services  
Brian Harper • Commissioner/Department of Health Services  
Joe Sapphire • Deputy Commissioner/Department of Health Services  
Laura Ahearn • Executive Director/Parents for Megan's Law  
Debbie Felber • Assistant Director/Parents for Megan's Law  
Michael Deering • Director/Department of Environmental Affairs  
William Stoner • Regional Advocacy Director/American Cancer Society  
Ann Marie Torres • Volunteer/American Cancer Society  
Jenna Careri • Volunteer/American Cancer Society  
Steve Moll • Island Public Affairs  
Albert Farina • Southside Hospital  
Michael Sacca • Southside Hospital  
All Other Interested Parties

Minutes Taken By:

Alison Mahoney • Court Stenographer

***(\*The meeting was called to order at 9:35 A.M. \*)***

**CHAIRMAN TONNA:**

Do we have everybody here? All right, let's all rise for the pledge led by our Legal Counsel.

***Salutation***

Thank you very much.

**MR. COHEN:**

Mea, with eight members, is four a quorum?

**MS. KNAPP:**

We need five.

**CHAIRMAN TONNA:**

We need one more? Okay, well, we'll start with the cards and stuff before we vote. First of all, I would like to call up Laura Ahearn.

Hi, Laura. How are you?

**MS. AHEARN:**

Good. How are you?

**CHAIRMAN TONNA:**

Come, please, make yourself at home. It's great to see you today. And just to be on the record, I appreciate very much your trips to Boston and the research that you have taken to help clarify some issues with regard to, what do they say, child abuse and lies. So on a personal note, I want to thank you very much for the work that you're doing to help the Catholic Church purge sex abusers. Thank you.

**MS. AHEARN:**

Thank you, Legislator Tonna. Yeah, we like to characterize that research as the investigation into the largest, most massive cover•up of the sexual victimization of children in the history of our country. So, thank you.

**CHAIRMAN TONNA:**

And low and behold, it's amazing that the Catholic Bishops are going to have that great designation. Anyway, please. Thank you.

**MS. AHEARN:**

I'm here today actually to support approval of Resolution 1581, a Local Law to strengthen screening requirements for day care providers here in Suffolk County.

In May we discovered that a Nassau County day•care provider operator had hired a registered convicted sex offender who is a Level II Offender under New York State's Megan's Law. Currently State regulations require that an owner/operator would fingerprint a perspective employer or volunteer prior to being hired for the day•care center or for providing services at the day•care center. In this particular case, unfortunately, she hadn't done anything at all, she hadn't even sent in the fingerprint card to Division of Criminal Justice Services. What happens is the provider would fingerprint the potential employee or volunteer and then send the fingerprint

card up to New York State Division of Criminal Justice Services. From there they would take a look at the particular or potential employer or volunteer's background to make a determination to see if they could work with children; she hadn't done that. So we are in a really different situation right now, but this situation with this guy being hired and working directly with children in that Nassau County day•care center did point out a major gaping loophole currently in terms of keeping children safe in day•care centers, and here's what it is.

If she were to have followed, or any other day•care center operator were to follow the protocol with the State which is send in the fingerprint card, that particular potential employee or volunteer can actually work at the day•care center pending the outcome of their fingerprint check and that can take up to wait eight weeks. So now imagine this; any convicted sex offender can apply for a job at a day care center and start working there pending the outcome of their fingerprint check for up to at least eight weeks. In this situation it was found out that he was a convicted sex offender.

***(\*Legislator Foley entered the meeting at 9:38 A.M.\*)***

But this particular resolution, what it would do is it would require that potential employees or volunteers are checked first through New York State Sex Offender Registry which is an 800 number, there's no cost to do it, and the best outcome would be that we could find a convicted sex offender who is potentially trying to access more victims and also even help probation and parole, because if a guy is a registered offender he's not supposed to be having contact with children if he's being supervised by the State or a County.

So we are 100% behind this resolution and we hope that all Legislators here today would be in support of this as well.

**CHAIRMAN TONNA:**

And this is Resolution No. 1581, right, by Legislator Fisher.

**MS. AHEARN:**

That's right, yes.

**CHAIRMAN TONNA:**

Okay. And just the Clerk, could you put me on as a cosponsor, by the way, on that piece of

legislation? Thank you. I don't know if anybody else would like to.

**LEG. NOWICK:**

I would like to be also.

**CHAIRMAN TONNA:**

Okay. You know, we don't have many opportunities so maybe with having you here, just what is the State's situation on Long Island, are we •• is it getting better with regard to notification, with regard to making people aware? You know, what's going on, what's the battleground right now being fought?

**MS. AHEARN:**

Well, right now in New York State we have about 18,000 registered sex offenders. And one of our biggest challenges has been that there was a State injunction that protected about 7,200 of those offenders since 19 •• actually, I'm not sure, I think 1987 or 1997. So we're talking about having 7,200, nearly half of New York's registrants, law enforcement not being able to notify the community about them. So they were registered but they could be living right next door to any one of our community members and no one could know about it.

So unfortunately a woman in Schenectady was murdered by a registered sex offender who the Police couldn't notify the community about. It's an incredible story; they had been there twice on two domestic violence incidences and they couldn't tell her that her live•in friend was a violent rapist. So that case acted as the catalyst now to yet the State Division of Criminal Justice Services to coordinate to make sure they did what they were supposed to do, but it took her death. So now what's going to happen here in Suffolk County and in counties across the State is we're going to have •• we have a backlog of 5,800 hearings for sex offenders that have to be done to insure that these guys can be notified about in the community.

**(\*Legislator Vilorio • Fisher & Legislators Losquadro  
Entered the meeting at 9:41 A.M. \*)**

So we're going to start to see now a tremendous amount of notifications being implemented over the next year or so, so your constituents are probably going to be calling you saying, "Why

are there so many sex offenders?" And some of you I have already heard from already that there are a number of sex offenders in your communities, that people are becoming angry that they feel as though it's their dumping ground, but the fact is right now we have over 600 registrants and we're going to hear a lot more from law enforcement.

Suffolk County PD has done an incredible job now of insuring that notifications are implemented, and now they have actually implemented a sweep to ensure that all the registrants are where they're supposed to be which is very proactive. And we don't see that a lot across the country, so we're very, very pleased with the actions of Police here locally.

**CHAIRMAN TONNA:**

Any questions?

**LEG. MYSTAL:**

Paul?

**CHAIRMAN TONNA:**

Yes, Legislator Mystal.

**LEG. MYSTAL:**

Hi. You touched on a thing that's of real concern to me because right now in the community of North Amityville we are finding a lot of sex offenders being housed in different rooming houses, where houses are being turned into rooming houses, and we've been in contact with the Police Department to do something about it. Our problem is that, you know, we are not being notified by anybody that they are moving in. I think sometime the Department of Social Services is locating these people in North Amityville, they're getting them money to rent rooms in those houses and I'm trying to find out, you know, how through the process I can find some way to be notified as a Legislator and also the community as a whole and what can be done about it.

**MS. AHEARN:**

Are you ••

**LEG. MYSTAL:**

I have question, too.

**MS. AHEARN:**

Is the question how you can be notified or how you can avoid having them in these spots?

**LEG. MYSTAL:**

Yeah. One, how can I be notified because a lot of people in the community don't even know anything about it, they don't even know they're there.

**MS. AHEARN:**

All you would have to do •• do you know, are they housing more than one or two or three offenders in one particular location or is it just pretty much all over you want to be notified?

**LEG. MYSTAL:**

Well, in the community of North Amityville, I know they have been housing them there, they have been putting them there for some reason, I don't know why. When I talk with most of the people, they are telling me that they are here because the Department of Social Services put them there. And I don't even know if the Department of Social Services know that they are sex offenders.

**MS. AHEARN:**

Well, what's supposed to happen, there's a policy we have here in Suffolk County that Social Services cannot place a registered offender within a thousand feet of where children congregate, but that's one separate issue; that's for sure if they're near like a playground or a public or private school.

**LEG. MYSTAL:**

It's a neighborhood, you know, there's children all over, they're all over the place.

**MS. AHEARN:**

There's been tremendous concern from communities that have housing that is less expensive than other areas, so we're seeing a build•up of registrants in areas that have the low income housing because if they're transitioning from prison, they're going to be going to low income housing areas or to Social Services areas or houses that are funded by Social Services. So we're definitely seeing that not just here in the County, across the State and across the country. And the only thing that we can do to have any sense of control over that is to try to

encourage the placements not to just be in one particular area, and that would be through Social Services.

There has been another concern about placing convicted sex offenders in sober houses where they could actually come into contact with potential victims, and that has been a major concern; I know there is a task force that's been organized and I've been asked to help out on that. But short of just ensuring that Social Services is doing this fairly and that would require maybe a committee being formed or somebody actually FOILING Social Services and asking them, "Where are you placing these guys and why?", but they can't place them, I know, within a thousand feet of where children are congregating. But they're all over neighborhoods everywhere, Legislator Mystal, they really are. We have 18,000 offenders and with this injunction that I just talked about, we have offenders that are planted in different areas that nobody knows about right now. A pedophile, a guy I know about in the Stony Brook area, three time convicted pedophile, violin maker who's integrated in the community; nobody knows about him but they will. So what's going to happen is those communities that thought that they have the sort of higher rent areas that offenders aren't there, they're going to find out they're there, but they're not going to have the larger concentration like areas that have lower income housing. If you want, we can maybe •• I can call you and we can see what we can do to work on that.

**LEG. MYSTAL:**

Thank you.

**CHAIRMAN TONNA:**

Laura, thank you very much.

**MS. AHEARN:**

Thank you.

**CHAIRMAN TONNA:**

Oh, you have a question?

**LEG. VILORIA • FISHER:**

Hi. Thanks for coming down, Laura. With regards to the legislation that I proposed, Nassau County Child Care Council has approached me a number of times to say that they already have



this in place, that their child care centers are doing this, that there was more involved in the case that was in the newspaper than what we had known. However, it would seem that with our most vulnerable children, the least the child care providers can do is make the phone call to have the information. Have you heard anything from Nassau County Child Care Council, has Jan contacted you?

**MS. AHEARN:**

No.

**LEG. VILORIA•FISHER:**

Okay. So ••

**MS. AHEARN:**

No, I haven't heard anything from Nassau County Child Care Council. And you're right, Legislator Viloria•Fisher, it really is, it's one phone call. One phone call to an 800 number, it doesn't cost anything, you can check five names at once, there's no burden and the only outcome can be to protect children.

**LEG. VILORIA•FISHER:**

Well, that's what it would seem to me. So when Jan came to me and said, "Well, you're overburdening the child care providers," it certainly seems to me that when you're hiring somebody you check references, you have to make phone calls for references and this is just one more phone call that you make to hire somebody to be a caretaker for the most vulnerable people, very little children.

**MS. AHEARN:**

Yes, it just seems ••

**LEG. VILORIA•FISHER:**

So it just makes sense.

**MS. AHEARN:**

It does, it makes complete sense. And it just seems to me that we know that convicted sex offenders, these are guys that are already convicted, they've been caught and convicted which

is already difficult to get to that point, these are people who work really hard to access potential victims. So knowing that, all we have to do is make one phone call, and it seems to me, like you said, if you can check a reference you can certainly call an 800 number.

**LEG. VILORIA • FISHER:**

Right.

**MS. AHEARN:**

And if it's busy you can call back because in the end you can have •• like in this case in Nassau County •• a convicted sex offender diapering, diapering children; it's incredible that something like that could ever, ever happen.

**LEG. VILORIA • FISHER:**

Absolutely.

**MS. AHEARN:**

And this could potentially prevent it.

**LEG. VILORIA • FISHER:**

Thank you, Laura.

**MS. AHEARN:**

Thank you.

**CHAIRMAN TONNA:**

Thank you very much. Thank you for your time and energy.

Okay, on our agenda in the discussion part, Judy, I think we'll have you come up.

**MS. PANNULLO:**

Good morning.

**CHAIRMAN TONNA:**

Hi, Judy. Just name, rank, serial number for the record.

**MS. PANNULLO:**

Social Security number?

**CHAIRMAN TONNA:**

No, we don't want that.

**MS. PANNULLO:**

Good morning. Judy Pannullo, Executive Director of the Suffolk Community Council, and I want to thank you for allowing me to make a brief presentation to you today.

I'm going to take a few minutes of your time to talk about the Community Council's Directory of Community Service. The Council has been producing the directory for many years, periodically updating it every other year or so. And I'm here today to promote the concept of doing separate and individual •• I apologize. I apologize, my staff had the •• didn't have the list of all of the members of this committee, so I apologize, I think I'm two short. But I just did a mock •up so that you could see, but we wanted to explore the concept of having a Directory of Community Services in each and every Legislative District, it would have your picture on there which is what you'll see. The rest of it is a mock•up of what is available, the emergency services, you know, hotlines, things broken down in your Legislative District, different organizations and a description of the organization.

We just recently updated this for Weed and Seed in Farmingdale, Amityville and Copiague, and so we're able to pull that out from our main •• and I apologize, Elie, I didn't have you on my list, I'm sorry.

**CHAIRMAN TONNA:**

Don't worry about it.

**MS. PANNULLO:**

So anyway, it's just a mock•up, and obviously this is not the final thing, but I just wanted to present it today. I came to the committee today because of the appropriateness of the committee and to see if the reception of this directory is something that Legislators would be interested in. If there is then the details can be worked out as to the cost and the printing; it would be just the printing because we do do this in•house. And if you have any questions I'm happy to answer them; if not, I thank you for your time and consideration.

**CHAIRMAN TONNA:**

Sure. Legislator Vilorio•Fisher.

**LEG. VILORIA•FISHER:**

Thank you, Judy. I'm very happy to see this.

**MS. PANNULLO:**

I like your picture.

**LEG. VILORIA•FISHER:**

A few years ago I remember attending a meeting •• maybe it was Bellport, I know it was a long trip from my house •• and there had been a resource guide put together and I think it was that group, that umbrella group that •• anyway, it was a resource pamphlet that was put together; is this similar to that effort?

**MS. PANNULLO:**

It's similar, we're just doing it in Legislative Districts.

**LEG. VILORIA•FISHER:**

Oh, CrissCross I think it was.

**MS. PANNULLO:**

It was CrissCross which was a project of the Suffolk Community Council, yes. And it's just nice to have your hands on something, a reference guide, if you can look under your, if you're looking for information on youth or seniors or children or anything, so it's just a handy guide to have.

**LEG. VILORIA•FISHER:**

And the one that is •• now, Suffolk Community Council I believe, or Social Services, does have a resource guide but it's quite big.

**MS. PANNULLO:**

We have a very large one. We just did a smaller one that's portable, but the large one really has the full description of each organization, what they do and then it's broken down into categories.

**LEG. VILORIA • FISHER:**

Right, and this is also smaller because it's by district.

**MS. PANNULLO:**

That's right, yeah.

**LEG. VILORIA • FISHER:**

Which makes sense, that's good.

**MS. PANNULLO:**

Yeah, right. And I just thought it would be easier, like especially for your staff; if someone calls up and they say they need to find something for their elderly parent, you know, what's in the district or something, then that's something easier than looking at this really big book that we have which is ••

**LEG. VILORIA • FISHER:**

Yeah, my staff uses the big book right now, it would be handy to have this.

**MS. PANNULLO:**

It would be handier, yeah, for your district. Thank you.

**LEG. VILORIA • FISHER:**

Thank you, Judy.

**CHAIRMAN TONNA:**

Judy, thank you very much.

**MS. PANNULLO:**

Thank you very much.

**CHAIRMAN TONNA:**

Okay, I'd like to call our Health Commissioner up. How are you today, Commissioner Harper?

**COMMISSIONER HARPER:**

Good morning. Thank you. I'm fine.

**CHAIRMAN TONNA:**

Today •• you know, I'm not going to hide it, I'm going to put you a little on the hot seat today.

**COMMISSIONER HARPER:**

That's fine.

**CHAIRMAN TONNA:**

I have a number of questions to ask of you with regard to the past Health Facilities Commission meeting.

**COMMISSIONER HARPER:**

Yes.

**CHAIRMAN TONNA:**

I don't know how many people know what's going on, but one of the considerations was the issue with Southside Hospital and that was in front of the committee. Obviously I have a representative, Legislator want•to•be Ron Cohen who, you know, is ••

**LEG. VILORIA•FISHER:**

What do you mean want•to•be?

**CHAIRMAN TONNA:**

Yeah, really, the 19th Legislator, you know, everybody says; he's the 17th Legislative District Part A.

Anyway, to tell you quite honestly, I was a little distressed at hearing what transpired in the committee meeting and I thought I would give you an opportunity to talk a little about it.

**COMMISSIONER HARPER:**

Okay.

**CHAIRMAN TONNA:**

I just want to as best I can give my rendition of how I understand it and of course you'll have an opportunity on the record to correct my perception whatever else and then go from there.

**COMMISSIONER HARPER:**

Okay.

**CHAIRMAN TONNA:**

The meeting broke down, really, the way that it's explained to me, both what was said on the record and what was communicated nonverbally or, you know, what was •• and I'll explain what I mean.

I think this Legislature has almost unanimously been in favor of the situation of what Southside Hospital has proported to do with regard to the Bay Shore Health Center. And of course, the proper venue for those discussions and, you know, consideration of plans and projects and proposals goes through the Health Facilities Commission.

When you think about it, there were a lot of reasons why we wanted to do this. There's a crisis situation, a population that was effected by the Bay Shore facility closing. Southside Hospital proposal was the reason this commission was really reactivated and worked on it for many months. Acting under the Chairmanship of really three different Health Commissioners, they did their due diligence in determining the potential costs to the County if they were to build a new clinic themselves. The applicant answered all of the questions put to them, plus it paid for the independent study to show Southside could generate the resources to pay off the debt service and the bond.

So my question is why did you refuse to call a vote, first of all, when a vote was •• a legitimate motion was made and seconded, why did you first refuse to call the vote, and after about 25 minutes of debate, including your motion to table, before you finally were, you know, from what I understand, almost forced by the entire committee to call a motion for the vote? And more

importantly, why were you the only one then afterwards to vote no?

**COMMISSIONER HARPER:**

First of all, let me give a little bit more background in terms of my own perspective and concerns regarding the commission itself. At that particular meeting I was informed about the fact that I guess the Comptroller at a prior meeting had requested sort of analysis of this entire project and, in fact, that analysis was presented at that meeting. My concern was the fact that I had no opportunity to review that and, in fact, I have no real expertise in this whole financial arena. And I feel that the commission is really lacking in having the capacity to make an assessment of not only Southside Hospital but any facility because that's part of what it is that we're supposed to be trying to accomplish, is whether or not this is a viable project that should go forth.

My perspective is that certainly there is a need for a Bay Shore Health Center, that's not my concern. My concern is really the process in terms of how that information was presented and then how we were •• you know, how it was supposed to go forth from there. In fact, you mentioned that I attempted to table the motion ••

**CHAIRMAN TONNA:**

No, first not recognizing the motion and then ••

**COMMISSIONER HARPER:**

No, I did recognize the motion.

**CHAIRMAN TONNA:**

After 25 minutes of committee people screaming and saying, "You've got to recognize the motion, you've got to recognize the motion."

**COMMISSIONER HARPER:**

Correct, right. No, I did request that there would be ••

**CHAIRMAN TONNA:**

I think there was something about it's not a dictatorship and, you know, whatever else; no?



**COMMISSIONER HARPER:**

No, no. Well, I think I did leave it open for further discussion, that's really what I was looking for was more discussion on this issue, because honestly I wasn't that familiar with the issue. But it came to my attention that, in fact •• and that's what the committee explained was the fact that this discussion had already taken place at prior meetings and that, in fact, this was the final step based on what the Comptroller's Office had requested. I didn't feel as if, you know, I really understood the process as fully as I should have. The representation from the Comptroller's office didn't seem to be fully aware, I believe she may have been fairly new as well, and I felt uncomfortable with actually voting for this without having real input in terms of, you know, whether or not it's a viable project. I have met with Southside and they have explained that they feel that financially they're secure and what have you, but I'm also receiving input from the County that maybe it's not as available as it should be.

**CHAIRMAN TONNA:**

Where are you receiving that from?

**COMMISSIONER HARPER:**

And this is coming from •• the County Executive's Office is sort of suggesting that we should really review this, we should have sort of another opinion regarding this.

**CHAIRMAN TONNA:**

It seemed •• and just to ask the question.

**COMMISSIONER HARPER:**

Right.

**CHAIRMAN TONNA:**

This has nothing to do with the fact that the Legislature passed the Capital Budget and overrode the County Executive's vetoes and now he's looking for another place to maybe say, "Well, we're not prepared to do some bonding even though Southside is going to pay basically and foot the bill."

**COMMISSIONER HARPER:**

No.

**CHAIRMAN TONNA:**

You're sure?

**COMMISSIONER HARPER:**

That's not my understanding, that's not my understanding. My understanding is really a matter of having •• which is what I discussed at that meeting, the need for us to have a consultant. And in fact, the committee agreed that there really is a need for a consultant to review these projects, that should also be noted in the minutes as well.

**CHAIRMAN TONNA:**

Wasn't a point raised by committee members that actually •• and I think it was •• John, you were there at the committee meeting, right?

**MR. ORTIZ:**

Yes.

**CHAIRMAN TONNA:**

That Budget Review and that John from Budget Review would tell the committee what they felt of the independent study before the next step in the process. So that in other words, you know, there was already an indication and a confirmation that before the next step would proceed that Budget Review would look over very carefully this study. So why would you vote no?

**COMMISSIONER HARPER:**

Because the question from my perspective was was it the responsibility of the Planning Commission to make that determination or is it simply a matter of us approving a project from a programmatic perspective and then passing it on to the various entities that will review it from a budgetary perspective. Unfortunately, I didn't have, I guess, legal representation that was really at hand to just instruct me. Listen, what do we really needed to do here? Do we need to just say that it's okay from our perspective from programmatic perspective? Because if that's the case, then we can all vote and we can move on from this. If it's a matter of us really making some sort of a determination as to whether or not this project is viable, then that's a whole nother (sic) issue and ••

**CHAIRMAN TONNA:**

But Commissioner, you had legal counsel there; as a matter of fact, they elbowed you and stopped you on a couple of different things, didn't they?

**COMMISSIONER HARPER:**

No, that's ••

**CHAIRMAN TONNA:**

The County Attorney's Office was there.

**COMMISSIONER HARPER:**

•• incorrect. They were there but it was •• first of all, I wasn't even aware of the fact that that was representation from the County Attorney's Office. And as a result of this meeting, I did meet with all the various representatives and instructed them at the next meeting •• this is going to be the last meeting at that type. At the next meeting, the County Attorney will be sitting next to me similar to how Mrs •• how you have legal representation ••

**CHAIRMAN TONNA:**

Ms. Knapp.

**COMMISSIONER HARPER:**

•• Ms. Knapp is sitting next to you so that if I have these questions and issues they can be resolved and we can move forward.

**CHAIRMAN TONNA:**

The concern that I have is this.

**COMMISSIONER HARPER:**

Uh•huh.

**CHAIRMAN TONNA:**

And I know during the confirmation hearings I spoke to you about this issue specifically.

**COMMISSIONER HARPER:**

Right.

**CHAIRMAN TONNA:**

And about the Southside proposal. It seems to me just timing and all of a sudden •• and again, my perception is that it's an about•face almost. When we're moving ahead on this proposal, that everything was a go go go go, the Legislature who does an inordinate amount of scrutiny, okay, is go, go, go, and then at a Health Facilities meeting with no warning, I mean, you're running the meeting.

**COMMISSIONER HARPER:**

Right.

**CHAIRMAN TONNA:**

With no indication to any of the committee members whatsoever, okay, none whatsoever, not an indication to I think anybody in the Legislative branch, all of a sudden it was let's stall, stall, stall.

**COMMISSIONER HARPER:**

It wasn't let's stall.

**CHAIRMAN TONNA:**

Well, you voted against it; not only stall it, you said, "We don't want to do it."

**COMMISSIONER HARPER:**

No, I voted against it because of the procedure, the way that it was presented, information was presented to me regarding a financial ••

**CHAIRMAN TONNA:**

Well, you didn't abstain, you voted no.

**COMMISSIONER HARPER:**

I voted against it, yes, because of the way that it was presented. This has nothing to do •• it's a procedural matter that I have a concern with. Generally speaking, not only for this commission but any committee meeting, if the people come and bring a document to you and say, "Let's vote on it," I just feel uncomfortable without even having to review the document to

go ahead and vote on that, unless someone can confirm to me that that's not my responsibility.

**CHAIRMAN TONNA:**

Okay. So basically ••

**LEG. FOLEY:**

Mr. Chairman ••

**CHAIRMAN TONNA:**

•• the way that I can understand this now is that it's the position of both the Commissioner of Health and the County Executive that we don't want to move forward with the Southside proposal, that we're •• you know, that it's under new scrutiny.

**COMMISSIONER HARPER:**

No.

**CHAIRMAN TONNA:**

I mean, it's frustrating.

**COMMISSIONER HARPER:**

Let me just be clear.

**CHAIRMAN TONNA:**

Three Commissioners ••

**COMMISSIONER HARPER:**

I understand.

**CHAIRMAN TONNA:**

•• years, an independent study that Southside just paid to do this, okay, they're basically picking up the freight and solving a huge government problem for us, all right, a huge problem for us, for the poor and indigent who live in that Bay Shore community and catchment area. And you know, I mean, I hear all sorts of things, you know, I just •• I'm very, very concerned and I think it's amazing that it would happen just around the same time when Capital Budget

time is up and when all of a sudden people are concerned about, "Oh, maybe we need to hold somewhere else. "

The one thing •• and I'll take your word for it, but if there is any concern with balancing the Capital Budget and all of a sudden saying we have to cut back on the Capital Budget and it's done on the backs of poor people in Bay Shore and that catchment area then, you know, I'll only speak for myself, but I'm sure that there will be other Legislators, both Democrat and Republican, who will say, "Over our dead body."

**COMMISSIONER HARPER:**

Let me just be clear that I can't necessarily speak for the County Executive. But as far as my position with this whole Health Planning Commission, if the Legislature wants to really be of assistance, if the commission could be made more programmatic, more health related and keep that commission out of the loop of the finance part, then that would make •• I think that would make the commission more functioning from my perspective.

**CHAIRMAN TONNA:**

Yeah, but that's why we have experts like Budget Review, that's why we have independent studies that are done. Southside paid for an independent study, not a fixed study, okay, there's the difference, you know; an independent study, one that was going to be an independent arbiter of the information. You know, I mean, and they say that basically that the hospital can pay this. So all that I'm saying •• okay, how about this? You've had some time now, you knew that we were going to ask you these questions okay.

**COMMISSIONER HARPER:**

No, I didn't know that, but that's fine.

**CHAIRMAN TONNA:**

Okay, but you knew we had a concern about the Health Facilities Commission ••

**COMMISSIONER HARPER:**

Yes.

**CHAIRMAN TONNA:**

•• and the last meeting. Have you had time now to look over the finances or have your experts

look over the finances or has anybody in the County Executive looked over the finances now and been able to say, "You know what, this is a legitimate study" or, you know, "Yeah, we can go ahead".

**COMMISSIONER HARPER:**

No, I haven't heard back. It's my understanding that it's to be reviewed by the Office of the Comptroller.

**DEPUTY COMMISSIONER SAPPHIRE:**

Yes.

**CHAIRMAN TONNA:**

That's your understanding?

**COMMISSIONER HARPER:**

That's where we're waiting to get feedback from.

**DEPUTY COMMISSIONER SAPPHIRE:**

Yes. I was also at the meeting ••

**LEG. FOLEY:**

You also have to turn the mike on.

**DEPUTY COMMISSIONER SAPPHIRE:**

I was also at the meeting as well as a staff person, I'm the Deputy Commissioner. And what was presented was first the consultant report which is the first time that any of us in the room had seen the report. And I didn't think that Budget Review, the County Executive's Budget Office and also at the staff level at the Health Department wanted a chance to read the report and review the report. It was presented to us and that was all, and so we were asking for 30 days to read the report and review the report before we recommended •• you know, at the health staff level, to recommend to the Commissioner whether, you know, exactly what the report said, to digest the report and interpret the report. You know, we're very happy that Southside did pay for this report, it's a very necessary report and I think that it was the right thing to do it. And then it just only made sense and only seemed prudent to first review the

report and digest the report •• it's a very complicated matter, as you know, health care finances is extremely complicated •• just to take the opportunity to review the report and the Comptroller's Office asked for that, Budget Review Office asked for that, the Budget Office asked for that and at the staff level we asked for that as well. And so I think that that was where the concern lied, is that we were happy that the report was produced but that we needed time to digest it, to understand it before then recommendations could be made as to approve the project in full.

**LEG. VILORIA • FISHER:**

Mr. Chair?

**CHAIRMAN TONNA:**

Yes; Legislator Foley, then Legislator Vilorina • Fisher.

**LEG. FOLEY:**

Thank you, Mr. Chairman. Commissioner, you know that in discussions that we had, and as the Chair just mentioned, there were Commissioners who have been involved with this and at least two, if not three, Chairs of the Health Committee that have been involved in getting to this point where we are this summer. First reconstructing the Health Commission, Health Facilities Commission, as a means by which we can help deliver public health services to those who need it, and particularly working with long-term partners who in some cases have 40 year relationships institutionally with the Health Department. So this is something that this committee has been very keen about, has been very concerned about over the years. And especially when one of the original health centers was closed several years ago, and from that time there was an effort by the prior administration very seriously about permanently closing that particular facility and not having another one open, or at least having one less health center in the Islip township. Which the committee in a bipartisan basis had said very strongly to the then County Executive under no uncertain terms should there be any fewer health centers but, in fact, we need to move forward with a new health center in the Bay Shore area, and that's when Southside came up to the plate and gave this very, very novel idea of delivering health care.

I want to get to the question of process. You mentioned earlier that if simply the commission was looking at this from a programmatic point of view it would be easy, it would be easier.



**COMMISSIONER HARPER:**

Yes.

**LEG. FOLEY:**

But when you go back to fundamentals, when you go back to the law that created the commission and some of the amendments that were made to that law over the years, as you know it goes beyond that and it has the Comptroller play a more active roll to assist the commission and yourself in making decisions. Now, if the Comptroller has not been as helpful as you would like them to be, you know, then we need to hear that or, in fact, if you need more time to review things we need to know that.

At the same time, I know you're playing, you know, a lot of catch up with things within the broad and diverse Health Department. If there are areas of the law that created the commission that you believe needs changes or improvements, certainly, you know, we would be willing to review those and entertain those and discuss those with you. But I think what you're hearing today is the importance of where we as a committee place this particular health center and in this particular area of the County. That we need to move forward, do all our due diligence, no doubt about it, but that we need to move forward as long as all the appropriate considerations have been given not only programmatically but financially.

So let me ask you this, and let me just ask it right to it because I think it's out there in between the lines; were you pressured by anyone within the administration to try to table this or defeat this motion?

**COMMISSIONER HARPER:**

No, that wasn't a concern at that time.

**LEG. FOLEY:**

Okay. Now, as much as there's an issue.

**CHAIRMAN TONNA:**

Well, what was their concern then?

**LEG. FOLEY:**

Okay.

**CHAIRMAN TONNA:**

I just ••

**LEG. FOLEY:**

So if there wasn't that pressure, and it's been placed on the record, it's your belief that you would need 30 days to look at the report by the Comptroller; was that the controlling factor or the primary reason why you asked for a tabling motion?

**COMMISSIONER HARPER:**

That's correct, that's correct.

**LEG. FOLEY:**

All right. Now, are you still conceptually supportive of a health center?

**COMMISSIONER HARPER:**

Absolutely.

**CHAIRMAN TONNA:**

Did he just say consensually or conceptually?

**LEG. FOLEY:**

All right. Conceptually, yeah.

**LEG. NOWICK:**

You heard him?

**LEG. FOLEY:**

Yeah, I can hear him, I have very good hearing; it's from listening to my children when they're on the second floor. So where do we go from here; where do you see this going from here? It's been formally approved by the commission, correct?

**COMMISSIONER HARPER:**

That's correct.

**LEG. FOLEY:**

Okay.

**COMMISSIONER HARPER:**

Well, yes, that's correct.

**LEG. FOLEY:**

It's been formally approved, go ahead.

**COMMISSIONER HARPER:**

It's my understanding that we're still waiting to hear back from the •• that was part of the discussion was that now that we have this report that we still have to hear back from the Office of the Comptroller as to the viability of the project and that it was really approved subject to the Comptroller's response.

**LEG. FOLEY:**

Now, this is more of a parliamentary question which is really not in your day•to•day work as it is in ours. Was the motion to approve this by the commission, was it subject to further review, further scrutiny of the Comptroller's report?

**COMMISSIONER HARPER:**

That's correct.

**LEG. FOLEY:**

That's correct?

**COMMISSIONER HARPER:**

That's correct.

**LEG. FOLEY:**

So at the next •• when is the next commission meeting?

**COMMISSIONER HARPER:**

I believe it's the 27th.

**DEPUTY COMMISSIONER SAPHIRE:**

August 27th.

**LEG. FOLEY:**

And at that point the Comptroller's report will be further scrutinized, debated, discussed?

**COMMISSIONER HARPER:**

I would hope so.

**CHAIRMAN TONNA:**

Budget Review will have their report.

**LEG. FOLEY:**

Well, I'm just •• I want to just go step by step. Go ahead.

**COMMISSIONER HARPER:**

Honestly, I can't speak for the Comptroller but I would hope that at that meeting, it's an understanding that they need to respond to that report.

**LEG. FOLEY:**

Well, as the Chair of the commission, I mean, you can certainly make a request of the Comptroller to give that kind of report.

**COMMISSIONER HARPER:**

Well, that was made clear at the meeting; I can follow•up.

**LEG. FOLEY:**

Okay. Now again, Mr. Chairman, I want to stay on process. Budget Review Office, you have a copy of the Comptroller's report, through the Chair?

**MR. ORTIZ:**

We have a copy of the consultant report.

**LEG. FOLEY:**

Consultant's report.

**MR. ORTIZ:**

The Comptroller hasn't made a statement yet. We are in the process of reviewing the consultant's report, we'll give our input to the Comptroller who within the 30 day period, if he doesn't make a negative declaration, the application is approved.

**LEG. FOLEY:**

All right. So then what will •• what will BRO's role be at ••

**CHAIRMAN TONNA:**

Sorry to interrupt for a second.

**LEG. FOLEY:**

Sure.

**CHAIRMAN TONNA:**

Brian, just for a point of information, and I hate to do this.

**LEG. FOLEY:**

Go ahead.

**CHAIRMAN TONNA:**

It's not in front of the commission anymore, it was voted out of the commission, it's at the next step.

**LEG. FOLEY:**

Well ••

**CHAIRMAN TONNA:**

This does not come in front of the Health Facilities Commission anymore.

**LEG. FOLEY:**

Well, this is why it's important to get this on the record and the process ••

**CHAIRMAN TONNA:**

Right. Well, that's why I'm saying ••

**LEG. FOLEY:**

To see what clarity there is. If it was a conditional motion of approval ••

**CHAIRMAN TONNA:**

No, no.

**LEG. FOLEY:**

I'm just •• we're hearing from the chair of the commission who said it was.

**CHAIRMAN TONNA:**

But it's not. It's voted out of •• I mean, the Commissioner voted no but it's not in front of the •  
• it's like a bill that might be in front of the committee; once it leaves the committee it's gone,  
it's now in front of ••

**LEG. FOLEY:**

Well, when I'm •• Mr. Chairman?

**CHAIRMAN TONNA:**

This is in the next step of the process; I just wanted you to understand that because I think the  
Commissioner is incorrect.

**LEG. FOLEY:**

Mr. Chairman, when I'm finished with my line of questioning, certainly your follow•up to further  
elucidate that's fine, and I think it's important to get this out so we can all understand how  
things are going to proceed over the next several months. Budget Review Office, what do you  
see will happen, John, at the end of August at that meeting as far as your role in this  
commission?

**MR. SPERO:**

Just to bring the committee up to speed a bit, we had a meeting of the Audit Committee •• I think it was on Monday of this week •• and this topic came up. It was the feeling of the committee and the County Comptroller, who is a member of the Audit Committee, that we look into hiring a fiscal advisor to review the finances of the hospitals and hospitals in general and their finances and to do a report for the committee and the Legislature as well. That would apprise the County ••

**LEG. FOLEY:**

That's in a general sense, but we have to make it specific to this application, because if it's more of a generalized •• what would happen I think, and I think the Chair would be concerned about it, as I would and others •• is having too much delay before we make some final decisions ourselves on this. So are you looking at this in a global sense, this Audit Committee, or specific to this particular application?

**MR. SPERO:**

Actually it should be both, it should be both, because we have other hospitals now coming in to ••

**LEG. FOLEY:**

We know that.

**CHAIRMAN TONNA:**

Yeah. But Jim, just from •• do you mind if I interrupt? And I'm sorry, Legislator Vilorio•Fisher, do you mind, suffer the interruption?

**LEG. FOLEY:**

Well, I'm keeping my time, but go head.

**CHAIRMAN TONNA:**

Yeah, thank you.

**LEG. FOLEY:**

After you finish I'm going back.

**CHAIRMAN TONNA:**

Yeah. What I'm suggesting is what you're saying now is the Audit Committee is deciding on two tracks; track one is that you're going to look specifically at this proposal and Southside Hospital and their ability to pay.

**MR. SPERO:**

Yeah, that's what I would recommend doing.

**CHAIRMAN TONNA:**

But it hasn't been recommended and it hasn't been voted on with the Audit Committee.

**MR. SPERO:**

What happened was it was left at the end of the meeting that the County Comptroller was going to contact the Presiding Officer. I suggested we use our own 456 money and our own Legislative Budget to hire the fiscal advisor, it could be Rich Tortora, as many of you know ••

**CHAIRMAN TONNA:**

Uh•huh.

**MR. SPERO:**

•• or an associate of his that could perform the study, and that way we would have more direct control over what the study is and how it proceeds.

**CHAIRMAN TONNA:**

So just to get an idea, it went from the Health Facilities Committee, it's left that committee, it's already been approved by the Health Facilities Committee; now from there it goes to the Audit Committee?

**MR. SPERO:**

The Audit Committee will perform the due diligence, as Legislator Foley ••

**CHAIRMAN TONNA:**

Right, and then where does it go after that?



**MR. SPERO:**

Then ••

**CHAIRMAN TONNA:**

It's like that old commercial, "conjunction junction, what's your function?" Where are we going here?

**MR. SPERO:**

Then after that a couple of things have to happen. Number one, we have to enter actual specific negotiations with the hospital, this is where the Law Department would come in.

**CHAIRMAN TONNA:**

Who's we?

**LEG. VILORIA • FISHER:**

Who is we?

**MR. SPERO:**

The County.

**CHAIRMAN TONNA:**

Who is the County.

**LEG. VILORIA • FISHER:**

The County Executive's Office?

**MR. SPERO:**

Clearly the County Attorney would have to be involved to do the legal documents between the County and the hospital as to the conditions and requirement that would go along with carrying the project out. On another level, the Legislature did put the funding in for the project in the Capital Program but it was in subsequent years.

**LEG. FOLEY:**

Correct.

**MR. SPERO:**

So we have no money in the current year, we have no money in the '05 Capital Budget to do the project, and if the project is going to be funded in '05 we would need an offset to accomplish that.

**CHAIRMAN TONNA:**

We can find that.

**LEG. FOLEY:**

An offset?

**MR. SPERO:**

Yeah, if the project is \$40 million, that's ••

**LEG. FOLEY:**

That wasn't discussed during the Capital Program that there needed to be a \$40 million offset.

**MR. SPERO:**

Well, it was the discussion •• well, that's SOP, you need an offset to fund the project that's not in the budget.

**LEG. FOLEY:**

Well, we'll have to have a further discussion on it. Mr. Chairman, I'll claim back my time, if you will.

**CHAIRMAN TONNA:**

There you go, claim it away.

**LEG. FOLEY:**

Thank you. You know, we really need to have •• what I would like to have our Counsel do, Mr. Chairman, is for our next committee meeting which is, what, two weeks I think, two weeks away, have her give us chapter and verse on the law regarding the creation of the commission. Just so if •• I mean, I pretty well know through the time of resuscitating that commission, but

for the sake of the committee, for those interested parties so that everyone knows what the road map is going to be over the next several months. Because my concern, we're hearing that there needs •• that the Audit Committee wants to have a consultant hired; well, certainly when we were putting this commission back together last year or even early this year, that recommendation could have been made back then as opposed to waiting until there's a fully fleshed out application. So my concern, Mr. Chairman, is that we need to do our due diligence, but I don't want to see this take as long as it may have to otherwise take.

**CHAIRMAN TONNA:**

Absolutely.

**LEG. FOLEY:**

So if we hear from Counsel what the road map is, you know, the commission has made an approval or conditional approval, I guess we have to look at the minutes ••

**CHAIRMAN TONNA:**

It's not conditional.

**LEG. FOLEY:**

I guess we have to look at the minutes of that particular commission meeting, with all due respect to the Chair of the commission, the Commissioner.

**COMMISSIONER HARPER:**

That's fine.

**LEG. FOLEY:**

But see whether it's condition or not. If, in fact, it's been approved, it's now over in the County Exec's Office, what's the process from that point forward? And the process is really going to dictate how quickly we're able to move on this ••

**CHAIRMAN TONNA:**

Right.

**LEG. FOLEY:**

•• and all the due diligence notwithstanding. So I think that would be very instructive for the next meeting, Mr. Chairman.

**CHAIRMAN TONNA:**

Okay. Legislator Viloría•Fisher?

**LEG. VILORIA•FISHER:**

Thank you, Mr. Chairman. I have to agree with Dr. Harper and the position that he took at that meeting.

**CHAIRMAN TONNA:**

I can't hear you.

**LEG. VILORIA•FISHER:**

It seems •• I'm sorry. I agree with the position that the Chair took at the meeting. If the charge of this commission is programmatic and fiscal, then having approved of a plan without input from the Budget Review Office or the Comptroller I think was premature. There should have been input from the Comptroller's Office. If the Chair had asked for the Comptroller's input that would be coming on August 27th, and that's the next meeting, the very least that this commission should have done was to ••

**CHAIRMAN TONNA:**

(Inaudible).

**LEG. VILORIA•FISHER:**

Is there additional information that I don't know.

**CHAIRMAN TONNA:**

Yeah, when you're done; I didn't want to interrupt you.

**LEG. VILORIA•FISHER:**

Well, I just wanted to know what he just said.

**CHAIRMAN TONNA:**

The Comptroller was asked for three months to come to the meeting and he didn't, he said he was going to wait for it to get to the next level. So ••

**LEG. VILORIA • FISHER:**

Was the next level the receipt of the consultant's report; was the consultant's report ••

**CHAIRMAN TONNA:**

Ron, sit down.

**LEG. VILORIA • FISHER:**

•• first presented at this last meeting?

**COMMISSIONER HARPER:**

Yes, that's my understanding.

**LEG. VILORIA • FISHER:**

So this was the first time that this Facilities Commission was seeing a consultant's report.

**CHAIRMAN TONNA:**

Ron?

**DEPUTY COMMISSIONER SAPPHIRE:**

Yeah, I think the consultant's report was ••

**CHAIRMAN TONNA:**

Wait, let me just put Ron on the •• what is this; what do you have, like ••

**MR. COHEN:**

It's not mine, it's Elie's.

**LEG. VILORIA • FISHER:**

Ron, were you saying that that was the first time ••

**CHAIRMAN TONNA:**

Put it on the record, get on the mike and say who you are; turn it on.

**MR. COHEN:**

My name is Ron Cohen, I'm Legislator Tonna's Aide and I'm the representative on the Health Facilities Commission for this committee. That report was •• the time it was handed to us was the first time we had seen it. We didn't vote on the validity of the report. The Health Commission is chartered to ascertain the veracity of the borrower.

The Health Facilities Commission, with all due respect to the Commissioner, was chartered for one reason, financial. That entire charter for the Health Facilities Commission is to allow hospitals to borrow money using the County's credit.

**LEG. VILORIA • FISHER:**

Okay. So that being said, Ron, how could they vote on something that they had just received? Since they're charged •• wait a minute.

**MR. COHEN:**

Okay.

**LEG. VILORIA • FISHER:**

Since their charge is financial, as you've just stated ••

**MR. COHEN:**

The process was ••

**LEG. VILORIA • FISHER:**

•• how could they vote to move forward and approve a report that they had not yet read, a financial report that they had not read?

**MR. COHEN:**

The applicant satisfied all our requirements. We did not vote on approving the report, we put it to the next level which means Budget Review, the Legislature, the Comptroller and the Audit Committee was going to in•depth study that report.

**LEG. VILORIA • FISHER:**

But if they have the financial obligation, I know if we're voting on something here •• and by the

way, I put this on the record during the Capital Budget discussions here. I am a firm believer that we need to provide health services to all of the people of Suffolk County, I am very much in favor of having a Bay Shore Health Center open. However, I was very concerned that we be protected financially.

**MR. COHEN:**

And so were we.

**LEG. VILORIA • FISHER:**

That we be very prudent fiscally.

**MR. COHEN:**

That's our charge.

**LEG. VILORIA • FISHER:**

Exactly. Now, when we have before us any legislation here in this Legislature and Budget Review comes to us and says, "We have not looked at the financials yet," we table it until such time that Budget Review can give us their input on those financials. Obviously you have a difference of opinion.

**MR. COHEN:**

No, the committee discussed that.

**LEG. VILORIA • FISHER:**

I don't agree with what you're saying.

**MR. COHEN:**

I agree. I agree ••

**LEG. VILORIA • FISHER:**

They cannot •• they should not have voted something out of their committee until they have •• I have to say that I support the Chairman's position, it's leading the blind.

**MR. COHEN:**

You just have to understand, the committee is made up of public people. The person who made the motion to pass this was from the public and he was one of the people who was the most adamant in making the applicant walk on hot coals, he wouldn't approve this until he did everything, the last piece of the puzzle was this financial report. We knew that approving this application only meant it went to a level where they were going to scrutinize that specific report plus add more reports from Budget Review. The year that we're talking about, I mean, I know they're talking about 2005, in our head we'd be lucky if this thing got done in '06, '07 or '08. We put it into the next level. We did not approve the report. I gave it a quick perusal, I was impressed with the person who did it. We wanted to know, first of all, who they picked. They picked a person approved by the New York State Dormitory Authority who does work for this County numerous times, for years; I respected that plus I respected the fact that Southside paid for it and we said let's vote on it.

**LEG. VILORIA•FISHER:**

Okay. However, the Chair's questioning seemed to be assigning some hidden agenda to what was •• to the actions of the Commissioner and it would seem to me that if I were sitting in his position, as an administrator in this County I would have acted in exactly the same way.

**MR. COHEN:**

You would have ••

**LEG. VILORIA•FISHER:**

As a Legislator I would have acted in exactly the same way.

**MR. COHEN:**

Nobody ••

**LEG. VILORIA•FISHER:**

Which was to ask for a month, or some time, to read a complex financial document.

**MR. COHEN:**

Nobody disagrees that he was in his rights to vote no or abstain, but the problem was he refused to call the motion. A majority of the committee, as a matter of fact, everybody wanted



to vote on this, he refused to call the motion for almost a half an hour, that was the problem.

**LEG. VILORIA • FISHER:**

Okay, and he's addressed that.

**CHAIRMAN TONNA:**

Okay, those are two separate issues.

**LEG. VILORIA • FISHER:**

Okay.

**CHAIRMAN TONNA:**

My concern is this.

**LEG. VILORIA • FISHER:**

I want to stay here with the issue of the financial impact; we have to have the Comptroller come forward.

**CHAIRMAN TONNA:**

But it's going to be and we're going to get it from the Comptroller, we're going to get it from Budget Review which I think at the committee meeting you said there's going to be a thorough review of it and it will go to the next level. They're not •• nobody is voting on it until we get it, okay, but what we're doing is •• what my concern is is it's a stall tactic, okay?

**LEG. VILORIA • FISHER:**

Okay. And that's a ••

**CHAIRMAN TONNA:**

It's a stall tactic to let ••

**LEG. VILORIA • FISHER:**

I still have the floor.

**CHAIRMAN TONNA:**

•• every other hospital come in and say all of a sudden •• when one group has said, "Here's

what we're willing to do." They put themselves out front on an issue, okay, we've gone through three Commissioners on this, we've gone through every single thing.

**LEG. VILORIA • FISHER:**

Okay, if I can have back my time, please?

**CHAIRMAN TONNA:**

Sure.

**LEG. VILORIA • FISHER:**

And that kind of characterization is what I'm having a problem with. You're calling it a stall tactic or assigning any kind of nefarious agenda behind it, if I were in the Commissioner's position sitting on a Facilities Committee that was •• that has been charged with fiscal responsibility, with financial responsibility, I •• neither would I want to vote on something where I had not perused a financial statement, that just makes sense. And if you are saying give us 30 days until our next meeting, which is the 27th, to digest the material, to consult with BRO, to consult with our Budget Review Office, that makes sense to me, and it doesn't look like a stall tactic to me. And maybe because of the feelings that Mr. Cohen came out of it with was because of perhaps emotional goings•on at that meeting, and that sometimes happens at meetings where they break down based on the facts that I'm looking at and not on the perceptions that came out of that meeting, just looking at the facts and the charge of that commission. And this is the first I know about that meeting so I'm not coming into this with any preconceived notions, other than the fact that when we talked about this at our Capital Budget meetings, as much as I am committed to giving •• and you know, you have sat on Social Services with me long enough to know my commitment to every citizen in this County getting equal services in this County. I believe that we have to be fiscally prudent and I believe that if I were sitting in the Chair's seat I would have behaved in exactly the same way because we shouldn't have something leave a committee whose charge is a financial charge without getting the input from the Comptroller and Budget Review. I wouldn't vote something out of this committee if Budget Review were not giving me their input.

**CHAIRMAN TONNA:**

Yeah, but •• okay.

**LEG. VILORIA • FISHER:**

Okay? It's a difference of opinion, it's a difference of ••

**CHAIRMAN TONNA:**

Absolutely, but I can understand it and respect it.

**LEG. VILORIA • FISHER:**

And honest people, and I'm not going to assign nefarious hidden agenda to the Chair of the committee and say that it was a stalling tactic.

**CHAIRMAN TONNA:**

I wouldn't characterize it as nefarious at all.

**LEG. VILORIA • FISHER:**

Well, you're saying he's stalling and was he getting pressure from ••

**CHAIRMAN TONNA:**

That's not nefarious, okay, it's a different meaning of the word.

**LEG. VILORIA • FISHER:**

Or political.

**MR. COHEN:**

Mr. Chairman?

**CHAIRMAN TONNA:**

Not nefarious, nor political.

**LEG. VILORIA • FISHER:**

Okay.

**CHAIRMAN TONNA:**

Nor political.

**LEG. VILORIA • FISHER:**

All right. So that's my sense of what the process should have been from my point of view; obviously it's a point of view that's shared by the Commissioner.

**CHAIRMAN TONNA:**

Okay. Just •• I'll break with procedure, but I recognize Ron Cohen; Ron?

**MR. COHEN:**

Just to make sure that the facts as it happened. This wasn't just handed out and given to us, the Chief Financial Officer of Southside Hospital stood before us and said this report came back stating that they were able to generate the revenue to support the bond and the debt service; if we read this, that's exactly what it would have said. I said to the guy next to me, "We need experts to investigate this and they will do that at the next level." If you read the charge, the commission's charge, under C under the Health Facilities Commission, C says we are to evaluate the •• how does it read, Paul?

**CHAIRMAN TONNA:**

"Regulation of eligible borrowers: Every eligible borrower has a condition precedent to a loan or a guarantee of a loan by the County shall enter into regulatory agreement with the County which shall provide" blah, blah, blah, blah, blah.

**MR. COHEN:**

We needed to say, "Hey, we asked them for this, it came." Quite frankly, there are people dying in these neighborhoods because the emergency room can't take them, there's no health facility, there's no clinic.

**LEG. VILORIA • FISHER:**

Okay. Thank you, Ron.

**CHAIRMAN TONNA:**

Okay, thanks.

**LEG. VILORIA • FISHER:**

All right.

**CHAIRMAN TONNA:**

Wait, wait, wait. Legislator Fisher, first of all, I run the meeting, I'll tell him thank you or not.

**LEG. VILORIA • FISHER:**

Okay.

**CHAIRMAN TONNA:**

You made your point, Ron, that's good enough. Okay?

**LEG. VILORIA • FISHER:**

Okay. But I still ••

**CHAIRMAN TONNA:**

Thank you. I have another list. You still want the floor?

**LEG. VILORIA • FISHER:**

I still have the floor.

**CHAIRMAN TONNA:**

Okay, go ahead.

**LEG. VILORIA • FISHER:**

I wasn't quite finished because if we are evaluating, remember that this is an entity who has hired their consultant to do a report. So to say •• yes, our consultant said that we are whole and that we're able to go forward can't be taken at face value ••

**MR. COHEN:**

(Inaudible) one of us reading it.

**LEG. VILORIA • FISHER:**

Okay, without reading it. So I just disagree with your position, Ron,  
I disagree with your position.

**CHAIRMAN TONNA:**

All right, just two or three more questions about this, just to understand it. Jim, in the Audit

Committee, you're going to look at Southside Hospital's specific proposal and in general do an evaluation of future hospitals or something and their ability to pay for similar deals?

**MR. SPERO:**

The discussion centered around looking at the health care industry in general and then Southside specifically.

**CHAIRMAN TONNA:**

Well, that's my concern. Listen to me. All I can say is •• and again, you know, I can get a sense of Legislators •• Southside Hospital was the first one to come up with this, all right. Once they have given the model, everybody is going to want in, every hospital in the world would want in, okay; you know, we're going to become a cash cow and I understand that. But the fact is that Southside Hospital, in the place that's needed most, in the Bay Shore area, has come up with a specific deal with a specific recommendation which we have specifically addressed in the Capital Budget, we have dealt with over a year three Commissioners and a thousand other things, I don't want to •• I don't care about what other hospitals can do right now, I care about whether Southside Hospital can do it or not. If we start as a County doing business this way which is you bring one hospital along, you say yes, yes, yes, yes, yes, they do their independent study, they do all of the different things and then we say, "Oh, you know, but now let's go out to a better bidder," or something like that, I think we lose a lot of credibility.

So I'm very concerned about moving on one •• listen, if they can't pay, I'm sure with your scrutiny, with the scrutiny of the County Executive's Office, with the scrutiny of the Comptroller's Office we'll know that right away. We already have an independent study that says they can, all right? Can we please, please •• I'm begging you, Jim •• at the next Audit Committee, can you communicate with at least the Chairman of this committee's concern that we specifically deal with the issue of Southside Hospital and so that we can move on. If another hospital wants in somewhere else it's a separate thing that will go through the Health Facilities Commission, then go to the Audit Commission, come to the Legislature and, you know, go through the Legislative process.

**LEG. MONTANO:**

Paul, very quickly.

**LEG. FOLEY:**

Well said, Mr. Chairman.

**LEG. MONTANO:**

Mr. Chairman, I just want to echo what the Chairman said. But let's be clear, that the project that we're talking about at Southside in my opinion is a unique situation because we're combining the health center that previously existed in the area where as a result of the closure there's a lack of services for a community desperately in need of the services that are going to be provided in this comprehensive plan.

You know, I'm new here but in six months you pick up a bit. I understand the project, I understand that we've somehow opened the floodgates for other hospitals to say, "Hey, we have an opportunity to come in," but I think the Legislature made it clear •• and if not, let me try and reiterate it •• we are very clear that we want this project to go through as long as it meets all of the technical financial requirements. And we're not going to, you know, try and push something through that doesn't have merit, but everything is moving along, you know, in it's due course.

I am concerned also about the possibility that there may be some that think that it's not a prudent idea, but that's not their decision to make. We don't want that interfering with the merits of this situation and we want to do everything that we can to make sure that this project stays on track, doesn't get stalled for non•meritorious reasons and that we look ultimately to serve those people in that community that need service. Because my district, while not •• it doesn't include Southside it is adjacent to it, and it's the same community that needs the services that we're looking to provide. So I don't want to get hung up on this global concept of let's look at all hospitals in all areas; we're specifically on track with this one now. Am I clear on that?

**CHAIRMAN TONNA:**

My fear is we have two other proposals, two other hospitals now have added proposals; now we're going to get into district politics, okay. Bay Shore is not in my district, nobody that's a resident of mine will go to Bay Shore, okay; basically there are other places that they'll go to. But, you know, the next thing you know, maybe a Legislator out east says, "Oh, my hospital has this or this." I want to move on this one.

**LEG. MONTANO:**

This is not a (inaudible).

**CHAIRMAN TONNA:**

Yeah, of course its already happening. And that's why I say I do not want to play, you know, regional politics, all right, with regard to the poor and indigent in Bay Shore; Bay Shore first, let's get that done. And then anybody else who wants to come in will judge it, you know, through the Health Facilities Commission and everything else, through the Audit Commission, you know, we'll look at it from a financial standpoint, bring it to the Legislature and the County Executive. But let's not •• you know, I really want to get this •• we made a commitment to Bay Shore, we made a commitment basically to follow this thing through with Southside Hospital, all right. They've done their share, so let's do our share and be a good partner here and come to some determination. Legislator Mystal.

**LEG. MYSTAL:**

I just want to put some clarification on the whole debate of the way the Commissioner acted. I think the Commissioner has to be given some leeway, he is fairly new at this.

**CHAIRMAN TONNA:**

Absolutely.

**LEG. MYSTAL:**

And I think he acted in a fiduciary responsible way from his perspective. I think the charter of the Health Facility Commission was not fully explained to him, maybe he's not completely familiar as to what they were supposed to do and there's a bump in it to the next level without looking at the financial situation. That's that part of it.

The other part that I want to weigh in is the part that you just mentioned, Paul, in terms of all speed to this project instead of going with this global hospital thing, because we need this thing quickly. And somebody had mentioned that people are dying; well, I'm not going to go to that extreme because no matter how fast we move on this we have to come on line in 2006. So to say somebody is dying right now is, you know, going overboard a little bit with it. But we need this very, very fast. I think Southside is a responsible hospital, they have done their work, and also I think the Commissioner has done his work, I think he has to look at it from his



perspective.

**CHAIRMAN TONNA:**

That's why we ask, that's why we're the Legislative Branch; we ask the questions, you answer, we form our opinions, you form yours.

**COMMISSIONER HARPER:**

If I can just make one comment.

**CHAIRMAN TONNA:**

Sure.

**COMMISSIONER HARPER:**

•• just in terms of this discussion, because I know part of the issue is concerns about other applicants. It's very clear to me from my perspective that the Bay Shore Health Center is the number one area that we want to address and, therefore, that's going to be the project that will be the first project that we address prior to the others. So I think that's a concern of the Legislature and I think ••

**LEG. FOLEY:**

Yes.

**CHAIRMAN TONNA:**

Well, the concern that I have is we also •• and I want to add to that, that we give Southside first consideration.

**COMMISSIONER HARPER:**

Which they will.

**CHAIRMAN TONNA:**

I know, but I'm just saying if Good Sam tomorrow ••

**COMMISSIONER HARPER:**

Right.

**CHAIRMAN TONNA:**

•• comes and says, "Oh, you know, I think we can do a better job and we're going to be cheaper"; no way.

**COMMISSIONER HARPER:**

They may have to start the internal process.

**CHAIRMAN TONNA:**

Right, and we're dealing with Southside.

**COMMISSIONER HARPER:**

Right.

**CHAIRMAN TONNA:**

I'm not going to pit one hospital against the other, that's not good politics nor is it good government. Okay, thank you.

Any other questions with regard to this? I do •• where is Ben? Ben Zwirn; he's outside? I mean, I don't think we need the County Executive's position, just Ben will come up here and state something, you know.

**LEG. MYSTAL:**

Mr. Chair?

**CHAIRMAN TONNA:**

Yes.

**LEG. MYSTAL:**

Just one ••

**CHAIRMAN TONNA:**

We don't need him; we don't need him, Eddie.

**LEG. MYSTAL:**

It's our responsibility, if we are thinking that there may be some other agenda there, to keep a sharp eye out in terms of something coming down in the Capital Budget concerning that \$40 million.

**CHAIRMAN TONNA:**

Absolutely.

**LEG. MYSTAL:**

That's what we have to do.

**CHAIRMAN TONNA:**

I'm sure Legislator Foley is working on an offset as we speak.

**LEG. FOLEY:**

Absolutely, I have it in mind already.

**CHAIRMAN TONNA:**

I know. Okay, thank you very much. Thank you, sir. And again, you know, you've got to take the good, the bad and the ugly, it's part of the job.

All right, I guess we're going to go to the agenda. Okay, does the Commissioner of Social Services have anything that she would like to add, whatever else?

**COMMISSIONER DEMARZO:**

(Shook head no.)

**CHAIRMAN TONNA:**

All right, it's a bi today.

Okay, let's go to the Tabled Resolutions right now.

**TABLED RESOLUTIONS**

Tabled Resolution **1512•04 • Creating Suffolk County Executive/Legislative Cancer**

***Resource Commission (Foley).***

What is your wish, Legislator Foley?

**LEG. FOLEY:**

Mr. Chairman, working with the Commissioner as well as advocates for those neediest among us who are in dire need of cancer care, we've made the necessary amendments to the resolution earlier in the summer and we're ready to move forward.

**CHAIRMAN TONNA:**

All right. There's a motion ••

**LEG. FOLEY:**

Motion to approve.

**CHAIRMAN TONNA:**

•• by Legislator Foley, seconded by myself. All in favor? Opposed? Great. ***Approved (VOTE: 7•0•0•1 • Not Present: Legislator Schneiderman).***

**LEG. FOLEY:**

Thank you very much. I thank the Chairman as a cosponsor along with Legislator Nowick, I want to thank you both.

**CHAIRMAN TONNA:**

Great. You'll put me as a cosponsor?

**LEG. FOLEY:**

Yes, sir.

**CHAIRMAN TONNA:**

Thank you.

**LEG. VILORIA•FISHER:**

I would like to be.

**CHAIRMAN TONNA:**

Maybe the whole committee?

**LEG. FOLEY:**

Let's make it a committee.

**CHAIRMAN TONNA:**

We'll put the whole committee, Health Committee.

**LEG. FOLEY:**

Thank you.

**CHAIRMAN TONNA:**

***1581•04 • Adopting Local Law No. 2004, a Local Law to strengthen screening requirements for day care providers (Viloria•Fisher).*** Motion by Legislator Fisher, seconded by myself. I just want to commend Legislator Fisher, this is really great. All right? So we might disagree on certain things, but we agree more than we disagree.

**LEG. MYSTAL:**

Cosponsor.

**LEG. MONTANO:**

Cosponsor.

**CHAIRMAN TONNA:**

Yeah, we can put the whole committee. All in favor? Opposed?

***Approved (VOTE: 7•0•0•1 • Not Present: Legislator Schneiderman).***

**LEG. VILORIA•FISHER:**

The whole committee, wow.

**CHAIRMAN TONNA:**

There we go. That's what we call just one big happy family.

***1637•04 • Adopting Local Law No. 2004, a Local Law to authorize the establishment***

***of fees in the Department of Health Services, Division of Medical•Legal Investigations and Forensic Sciences for requests for cremation approvals and autopsy reports (Presiding Officer at the Request of the County Executive).*** Motion by myself, seconded by Legislator Nowick. All in favor? Opposed?

**LEG. MYSTAL:**

A small explanation?

**CHAIRMAN TONNA:**

Is there ••

**MS. KNAPP:**

The public hearing is closed.

**CHAIRMAN TONNA:**

The public hearing is closed; okay, great. ***Approved (VOTE: 7•0•0•1 • Not Present: Legislator Schneiderman).***

### **INTRODUCTORY RESOLUTIONS**

***1645•04 • Amending Resolution No. 148•2004, to require site selection approval of the Tier II Homeless Shelter (Crecca).***

**LEG. FOLEY:**

Explanation, Mr. Chairman.

**CHAIRMAN TONNA:**

Yes. Legal Counsel? As soon as you see the name Crecca you know you need an explanation.

**LEG. VILORIA•FISHER:**

Start looking under ••

**LEG. NOWICK:**

What about 1337?

**CHAIRMAN TONNA:**

No, that's off, that's off; that's just on it to remind everybody we kill a Binder bill here.

**LEG. MYSTAL:**

Are we on 1645?

**CHAIRMAN TONNA:**

1645, yes.

**LEG. MYSTAL:**

Explanation, Counsel?

**MS. KNAPP:**

1645, amended Resolution 148, to require that the Tier II Homeless Shelter come back to this Legislature for site approval.

**CHAIRMAN TONNA:**

Does that tie the hands of the Social Services Commissioner and the ability to get this thing done?

**LEG. VILORIA • FISHER:**

Yes.

**MS. KNAPP:**

I think that's a value judgment to some extent. I mean, clearly it requires the additional staff of Legislative approval.

**CHAIRMAN TONNA:**

Okay. Legislator Mystal first.

**MS. KNAPP:**

Let me correct myself; what it says is that the final design and site selection shall be subject to the review and approval of the Legislature.

**CHAIRMAN TONNA:**

Okay. I think, first of all, Elie?

**LEG. MYSTAL:**

I think what had happened, Commissioner, was that we had removed ourselves from the process so we could remove the political side of ourselves from the system.

**LEG. VILORIA • FISHER:**

Exactly.

**LEG. MYSTAL:**

Because it would make it much more difficult if we are involved and your panel decides on a site and now he has to come back to us and somebody from this horseshoe is going to raise holy whatever.

**CHAIRMAN TONNA:**

God forbid it go into Smithtown.

**LEG. MYSTAL:**

God forbid. So I'm just saying, is my perception right, Commissioner? That's what I'm trying to find out, whether I'm somewhat around the ballpark.

**COMMISSIONER DEMARZO:**

Actually, we've touched upon this in other meetings. The decision to place the Tier II Shelter will have political and geographical concerns by public officials throughout the County and the way the process stands now with the Capital Budget and so forth, the decision could be made without coming back to the Legislature. And if it was left like that, you know, that would allow us to proceed without some of the concerns and NIMBYism that has often stopped very worthwhile projects. So I would be supportive of letting this resolution stay within committee, I would be supportive of ••

**CHAIRMAN TONNA:**

I'm going to make a motion to approve for the purposes of killing.

**LEG. MONTANO:**



I'll second that.

**LEG. VILORIA • FISHER:**

I'll second that.

**CHAIRMAN TONNA:**

Are we prime?

**MR. COHEN:**

Yes.

**LEG. MYSTAL:**

On the motion, Paul?

**CHAIRMAN TONNA:**

Yes. I make a motion to approve for the purposes of killing or whatever, seconded by Legislator Montano. Roll call. I'll make a motion to •• oh, let's just vote. All in favor? No, all in favor of the bill? All against?

**LEG. VILORIA • FISHER:**

Opposed.

**LEG. FOLEY:**

Opposed.

**LEG. MONTANO:**

Opposed.

**CHAIRMAN TONNA:**

All right. Abstentions? Okay. So we have one, two, three, four, five against and two abstentions. ***Motion fails (VOTE: 0 • 5 • 2 • 1 Abstention: Legislators Nowick & Losquadro • Not Present: Legislator Schneiderman).***

Okay, there we go, Janet.

**COMMISSIONER DEMARZO:**

Thank you.

**CHAIRMAN TONNA:**

But if it goes in Huntington, I'm telling your •• no, I'm joking, I'm teasing. I've already been accused of that. This was a great •• five days before Election Day, my school district, one of my school districts sends out a letter saying that, you know, I planned, nefariously planned to put a Tier II right in the heartland. So anyway, nice use of public funds from a school district. Anyway, the •• all right, so that's that.

And then I just want you to look at the Legislator Binder bill which we've killed, and my goal is to have as many Legislator Binder bills that come to this committee to be on that tabled subject to call area.

**LEG. FOLEY:**

Mr. Chairman, before you end the meeting; Mr. Chairman?

**CHAIRMAN TONNA:**

Before we end the meeting.

**LEG. FOLEY:**

I just invite everyone from the committee, we're having a press conference at 11:30 on the creation of the Executive/Legislative Cancer Resource Commission, so you're more than welcome to attend.

**LEG. MYSTAL:**

Where is it?

**LEG. FOLEY:**

It's right in the lobby in 45 minutes.

**LEG. MYSTAL:**

Will you have food?

**LEG. FOLEY:**

We'll have food afterwards. You first have to show up; first you have to show up and then you'll have food. It's the other way around, the carrot and stick approach; the stick first, then the carrot. Okay, thank you.

**CHAIRMAN TONNA:**

Okay. All right, thank you very much. And thank you, Commissioner, for being in the hot seat.

**COMMISSIONER HARPER:**

Thank you.

***(\*The meeting was adjourned at 10:47 A.M. \*)***

***Legislator Paul Tonna, Chairman  
Health & Human Services***

\\_ \\_ • ***Denotes Spelled Phonetically***